IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.2219 OF 2006

Surinderpal Aggarwal. .. .. Petitioner
v/s.
The Union of India & anr. .. .. Respondents

Mr.Aditya Chitale for petitioner.
Mr.H.V.Mehta for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 10th October 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This Petition seeks to challenge the order dated 1st May 2006 passed by the Appellate Tribunal for Foreign Exchange before which the petitioner's Appeal under Section 52 of the Foreign Exchange Regulation Act, 1973 is pending. That Appeal is against the order in original dated 21st May 1999 passed by the Special Director, Enforcement, FERA. The order in original was passed in certain circumstances wherein the Director General of Foreign Trade had received information regarding over invoicing of export products by certain parties, including the petitioner. The order in original imposed a penalty totalling to Rs.10,50,000/- on the

petitioner. The Appellate Tribunal has directed the petitioner to make a pre-deposit of 50% on the amount of this penalty of Rs.10,50,000/-. It is this order which is challenged in the present Petition.

3. After the matter was heard for some-time, Mr.Chitale appearing for the petitioner, on the instructions of the petitioner, who is present in Court, has requested that the time to deposit this amount of Rs.10,50,000/- may be extended till end of December 2006. Although he has made various submissions, on instructions, he has stated that the petitioner will be satisfied if the time is extended and thereafter the Appeal is heard and decided on its own merits.

4. Mr.Mehta appearing for the respondents, has defended the order. However, in view of this request made by Mr.Chitale, he has left it to the Court to pass appropriate orders.

5. Accordingly, as requested by Mr.Chitale, we extend the time to deposit the amount as directed by the Appellate Tribunal till end of December 2006. In the event the amount is so deposited, the Appeal will stand restored and

will be heard on merits by the Appellate Tribunal. Obviously, in the event the amount is not deposited, the Appeal will stand dismissed.

6. With the above order, the Petition is disposed of.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)